

Remarks/Arguments

Claims 1-9 are pending.

Claims 7-9 are allowed. Claims 2-4 are indicated to be allowable if rewritten to overcome the rejections under 35 USC 112, paragraph 2, and to include all of the limitations of the base claim and any intervening claims.

Responsive to the objection to claims 1-9, the claims have been amended to begin each claim with an article. Responsive to the rejection of claims 1-6 under 35 USC 112, paragraph 2, claims 1 and 2 have been amended to delete the phrase "wherein it comprises:" The rejection is believed to be overcome in view of the amendment.

Rejection of claims 1 and 5-6 under 35 USC 103(a) as being unpatentable over Muratani (US Pat No 6061451) in view of Chaney (US Pat No 6035037)

Applicant submits that for the reasons discussed below present claim 1, and claims 5-6, which depend therefrom, are patentably distinguishable over the teachings of Muratani and Chaney.

Regarding claim 1, the Examiner acknowledges that Muratani does not specifically disclose: means for selecting an entitlement management message intended for a detachable security element when said security element is not inserted in the decoder; and means for storing said entitlement management message.

In this regard, the Office Action interprets the arrows in Fig. 1 between filter 24 and interface 26 in security module 20 (arrow in one direction only), and between the interface 26 and the IC card 30 (dotted arrow in both directions) to conclude that filter 24 does not receive any information from IC card 30 to filter out the EMM. The Office Action therefore considers that even if IC card 30 was detached from security module 20, filter 24 would still select an EMM intended for IC card 30, even when IC card 30 is not inserted in security module 20.

Applicant strongly disagrees with such a conclusion. In fact, applicant respectfully submits that what can be deduce from the arrangement of arrows of Fig. 1 is that filter 24 of security module 20 filters **any** EMM that is present in the incoming stream, i.e. it filters EMM for **any** IC card which can be inserted in the

security module. Muratani states that filter 24 extracts ECM data and EMM data from the inputted stream and supplies them to interface 26 (col. 2, lines 4-5; col. 2, lines 23-30). The descramble keys are then provided by IC card 30 after IC card 30 is authenticated (col. 2, lines 43-48).

In view of the above, applicant submits that Muratani fails to teach or suggest "... means for selecting an entitlement management message intended for a given detachable security element" as recited in amended claim 1. Furthermore, to move the prosecution of the case forward, applicant has further amended claim 1 to more clearly and distinctly claim the subject matter that applicant regards as his invention.

In particular, claim 1 has been amended to recite "... means for **storing said entitlement management message** when said given **security element is not inserted** in the decoder and **transmitting said stored entitlement management message** to said given security element **upon insertion of said given security element** in said decoder. (emphasis added)" Applicant submits that nowhere does Muratani teach or suggest this feature. If the arrangement of Muratani is interpreted to filter any EMMs present in the datastream, Muratani still fails to teach or suggest storing selected EMMs and later transmitting the EMMs to a given security element. Further, Muratani gives no hints as to why it may be desirable to store a selected entitlement management message for an IC card that is not inserted into the security module, and then transmit the message when the IC card is subsequently inserted into the security module of the decoder.


The Office Action further contends that Chaney discloses means for storing entitlement management messages (col. 6, lines 56-65). It appears that Chaney discloses storing "current entitlements" in an EEPROM 423 in response to information received in EMM packets. However, this EEPROM 423 is located inside an IC 181 which is part of a smart card 180 (see Fig. 1 and 4 and description col. 4, lines 18-19, col. 5, lines 58-61 and col. 6, lines 1-8). Thus, Chaney discloses filtering the EMM packets inside the smart card itself (in EMM address filter unit 476 – Fig. 4) based on the card address stored in unit 476 (see col. 8, lines 9-12 and col. 10, lines 50-57).

Therefore, applicant submits that Chaney does not teach or suggest a decoder having means for selecting an EMM intended for a given smart card when the smart card is not inserted in the card reader 190 (Fig. 1).

In view of the above, applicant submits that both Muratani and Chaney fail to teach or suggest a notable feature of present claim 1, and as such, present claim 1 is patentably distinguishable over the teachings of the combination of Muratani and Chaney.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
LAURENT GAUCHE

By: 
Paul P. Kiel
Attorney for Applicant
Registration No. 40,677


THOMSON Licensing Inc.
PO Box 5312
Princeton, NJ 08543-5312

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